S.B. Civil Writ Petition NO. 2427/05
(Hardeep Singh Vs. State of Rajasthan & Ors.)

S.B. Civil Writ Petition NO. 2428/05
(Harmendra Singh Vs. State of Raj. & Ors.)

Date of order : 07.11.06

PRESENT
HON'BLE MR. BHAGWATI PRASAD, J.

Mr. Manish Shishodia for the petitioner.
Mr. K.N. Joshi for the respondents.

This Court has taken a view in S.B. Civil Writ Pet. NO 2279/03 that once the Notificaton is issued then there is a presumption that the State Government has inquire into the necessity and expediency unless otherwise rebutted. In the present writ petitions annexure/1 is a notification issued in favour of the respondent trust on 14.7.1993 published in the Rajasthan Gazette on 16.7.1993.

The petitioners in these writ petitions claimed to be the tenants of the Trust and they claim that the exemption granted to the Trust is wrong because neither any notice was given to the petitioner nor they have been provided any opportunity of hearing.

These two ingredients are not made out in Sec. 2(3) and, therefore, requirement of notice and hearing is not a procedural requirement before issuance of the Notification. As regards the allegations of the petitioners that the Notification has been issued without application of mind is negated by the facts narrated by the respondents in their reply. The trust is a duly registered trust having different activities which runs so many institutions which are as under:

(i) Seth Murli Vilas Dharamshala, Bhopalganj, Bhilwara

(ii) Seth Murli Vilas Dharamshala, Salasar.

(iii) Seth Murli Vilas Dharamshala, Badridham, Uttrakhand.

(iv) Seth Murli Vilas Dharamshala, Dhanop Mata Temple, Village Dhanop, Tehsil Shahpura, District Bhilwara.

(v) Seth Murli Vilas Dharamshala, Jhatla Mata Temple, Tehsil and District Chittorgarh.

It has also been submitted on behalf of the respondents that it has also constructed a girls college and handed over it to the State Govt. and the entire expenditure of such religious institutions is being made from the income realized by the trust and it is on the record of these cases and also evident from the reasons stated in Madan Lal's case (S.B. Civil Writ Petition NO. 2278/03 Mandan Lal Vs. State of

Raj. & Ors.)decided on 07.11.06.

The present writ petitions are not liable to be succeeded and accordingly they are dismissed and challenge to annexure/1 is negated.

(BHAGWATI PRASAD), J.

ns.